IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.1318 OF 2005

Meena Laxmichand Dedhia. ...Plaintiff

vs.

1. M/s.Shanti Stores & others. ...Defendants

...

Mr.Amit H. Yadav, for Plaintiff.

None for Defendants.

CORAM: D.K.DESHMUKH, J.

DATED: 6th DECEMBER,2006

P.C.:

1. In this suit, the summons for judgment was

taken out against defendant nos. 1, 2 and 4. By the order passed in the summons for judgment, conditional leave to defend the suit was granted to the defendant nos. 1, 2 and 4. But the defendant nos.1,2 and 4 have not complied with the condition. Non deposit certificate has been produced. Heard the learned Counsel appearing for plaintiff. Perused the record. Thus, there is no leave to defend the suit granted to the defendant nos.1, 2 and 4. Therefore, the plaintiff is entitled to a decree against defendant nos. 1,2 and 4.

2. So far as defendant no.3 is concerned, he is served with the writ of summons. The learned Counsel appearing for plaintiff undertakes to file affidavit of service within one week from today. The defendant no.3 is not appearing. Therefore, in terms of the provisions of Order 37 of the Civil Procedure Code the plaintiff is entitled to a decree against defendant no.3 also.

3. Suit of the plaintiff is therefore, decreed against all the defendants in terms of prayer clause (a) and (b). Refund of Court fees as per rules.

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